

**U.S. District Court  
Southern District of New York (Foley Square)  
CIVIL DOCKET FOR CASE #: 1:18-cv-04559-GBD-DCF**

American Society for the Prevention of Cruelty to Animals v.  
The Animal and Plant Health Inspection Service et al  
Assigned to: Judge George B. Daniels  
Referred to: Magistrate Judge Debra C. Freeman  
Cause: 05:552 Freedom of Information Act

Date Filed: 05/23/2018  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**American Society for the Prevention of  
Cruelty to Animals**

represented by **Bonnie Weiss McLeod**  
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**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**The Animal and Plant Health  
Inspection Service**

represented by **Samuel Hilliard Dolinger**  
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**ATTORNEY TO BE NOTICED**

**Defendant**

**The United States Department of  
Agriculture**

represented by **Samuel Hilliard Dolinger**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

| Date Filed | #        | Docket Text   |
|------------|----------|---|
| 05/23/2018 | <u>1</u> | COMPLAINT against The Animal and Plant Health Inspection Service, The United States Department of Agriculture. (Filing Fee \$ 400.00, Receipt Number 0208–15105439) Document filed by American Society for the Prevention of Cruelty to Animals.(Kennelly, Kaitland) (Entered: 05/23/2018)  |
| 05/23/2018 | <u>2</u> | CIVIL COVER SHEET filed. (Kennelly, Kaitland) (Entered: 05/23/2018)   |
| 05/23/2018 | <u>3</u> | REQUEST FOR ISSUANCE OF SUMMONS as to The Animal and Plant Health Inspection Service, re: <u>1</u> Complaint,. Document filed by American Society for the Prevention of Cruelty to Animals. (Kennelly, Kaitland) (Entered: 05/23/2018)  |
| 05/23/2018 | <u>4</u> | REQUEST FOR ISSUANCE OF SUMMONS as to The United States Department of Agriculture, re: <u>1</u> Complaint,. Document filed by American Society for the Prevention of Cruelty to Animals. (Kennelly, Kaitland) (Entered: 05/23/2018)   |
| 05/23/2018 | <u>5</u> | RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by American Society for the Prevention of Cruelty to Animals.(Kennelly, Kaitland) (Entered: 05/23/2018)  |
| 05/24/2018 |          | CASE OPENING INITIAL ASSIGNMENT NOTICE: The above–entitled action is assigned to Judge George B. Daniels. Please download and review the Individual Practices of the assigned District Judge, located at <a href="http://nysd.uscourts.gov/judges/District">http://nysd.uscourts.gov/judges/District</a> . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at <a href="http://nysd.uscourts.gov/ecf_filing.php">http://nysd.uscourts.gov/ecf_filing.php</a> . (pne) (Entered: 05/24/2018) |
| 05/24/2018 |          | Magistrate Judge Debra C. Freeman is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: <a href="http://nysd.uscourts.gov/forms.php">http://nysd.uscourts.gov/forms.php</a> . (pne) (Entered: 05/24/2018)   |
| 05/24/2018 |          | Case Designated ECF. (pne) (Entered: 05/24/2018)  |
| 05/24/2018 | <u>6</u> | LETTER MOTION for Leave to File Correct Complaint by filing Omitted Exhibits addressed to Judge George B. Daniels from Kaitland M. Kennelly dated May 24, 2018. Document filed by American Society for the Prevention of Cruelty to Animals.(Kennelly, Kaitland) (Entered: 05/24/2018)  |

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| 05/24/2018 | <u>7</u>  | ELECTRONIC SUMMONS ISSUED as to The Animal and Plant Health Inspection Service. (pne) (Entered: 05/24/2018)  |
| 05/24/2018 | <u>8</u>  | ELECTRONIC SUMMONS ISSUED as to The United States Department of Agriculture. (pne) (Entered: 05/24/2018)   |
| 05/25/2018 |           | <b>***DELETED DOCUMENT. Deleted document number 9 ORDER. The document was incorrectly filed in this case. (anc)</b> (Entered: 05/30/2018)  |
| 05/29/2018 | <u>10</u> | COMPLAINT against The Animal and Plant Health Inspection Service, The United States Department of Agriculture. Document filed by American Society for the Prevention of Cruelty to Animals. (Attachments: # <u>1</u> Exhibit (A) FOIA Request, # <u>2</u> Exhibit (B) FOIA Request, # <u>3</u> Exhibit (C) FOIA Request, # <u>4</u> Exhibit (D) FOIA Request, # <u>5</u> Exhibit (E) FOIA Request, # <u>6</u> Exhibit (F) Defendants' Final Response, # <u>7</u> Exhibit (G) Defendants' Final Response, # <u>8</u> Exhibit (H) Defendants' Final Response, # <u>9</u> Exhibit (I) Defendants' Final Response, # <u>10</u> Exhibit (J) Defendants' Final Response, # <u>11</u> Exhibit (K) ASPCA's Appeal, # <u>12</u> Exhibit (L) ASPCA's Appeal, # <u>13</u> Exhibit (M) ASPCA's Appeal, # <u>14</u> Exhibit (N) ASPCA's Appeal)(Kennelly, Kaitland) (Entered: 05/29/2018) |
| 05/29/2018 | <u>11</u> | INITIAL PRETRIAL CONFERENCE: Initial Conference set for 8/9/2018 at 09:30 AM in Courtroom 11A, 500 Pearl Street, New York, NY 10007 before Judge George B. Daniels. (Signed by Judge George B. Daniels on 5/25/2018) (ne) (Entered: 05/29/2018)  |
| 05/29/2018 |           | <b>***DELETED DOCUMENT. Deleted document number 12 MEMO ENDORSEMENT. The document was incorrectly filed in this case. (anc)</b> (Entered: 05/30/2018)  |
| 05/29/2018 | <u>12</u> | ORDER granting <u>6</u> Letter Motion for Leave to File Document. SO ORDERED. (Signed by Judge George B. Daniels on 5/29/2018) (anc) (Entered: 05/30/2018)   |
| 05/30/2018 | <u>13</u> | NOTICE OF APPEARANCE by Kaitland Mccann Kennelly on behalf of American Society for the Prevention of Cruelty to Animals. (Kennelly, Kaitland) (Entered: 05/30/2018)  |
| 05/30/2018 | <u>14</u> | NOTICE OF APPEARANCE by Jennifer Helen Chin on behalf of American Society for the Prevention of Cruelty to Animals. (Chin, Jennifer) (Entered: 05/30/2018)   |
| 06/01/2018 | <u>15</u> | MOTION for Bonnie Weiss McLeod to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-15145647. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by American Society for the Prevention of Cruelty to Animals. (Attachments: # <u>1</u> Affidavit Declaration of Bonnie Weiss McLeod, # <u>2</u> Exhibit Certificate of Good Standing, # <u>3</u> Text of Proposed Order)(Weiss McLeod, Bonnie) (Entered: 06/01/2018)  |
| 06/01/2018 | <u>16</u> | MOTION for Erin M. Estevez to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-15145800. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by American Society for the Prevention of Cruelty to Animals. (Attachments: # <u>1</u> Affidavit Declaration of Erin M. Estevez, # <u>2</u> Exhibit Certificate of Good Standing, # <u>3</u> Text of Proposed Order)(Estevez, Erin) (Entered: 06/01/2018)   |
| 06/01/2018 |           | <b>&gt;&gt;&gt;NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>15</u> MOTION for Bonnie Weiss McLeod to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-15145647. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (jc)</b> (Entered: 06/01/2018)   |
| 06/01/2018 |           | <b>&gt;&gt;&gt;NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>16</u> MOTION for Erin M. Estevez to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-15145800. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (jc)</b> (Entered: 06/01/2018)   |
| 06/04/2018 | <u>17</u> | ORDER FOR ADMISSION PRO HAC VICE: granting <u>15</u> Motion for Bonnie Weiss McLeod to Appear Pro Hac Vice. (Signed by Judge George B. Daniels on 6/04/2018) (ama) (Entered: 06/04/2018)   |

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| 06/04/2018 | <u>18</u> | ORDER FOR ADMISSION PRO HAC VICE granting <u>16</u> Motion for Erin M. Estevez to Appear Pro Hac Vice. (Signed by Judge George B. Daniels on 6/4/2018) (jwh) (Entered: 06/04/2018)   |
| 06/08/2018 | <u>19</u> | SUMMONS RETURNED EXECUTED (FOIA CASE). The Animal and Plant Health Inspection Service served on 5/31/2018, answer due 7/2/2018. Service was accepted by United States Attorney's Office. Document filed by American Society for the Prevention of Cruelty to Animals. (Kennelly, Kaitland) (Entered: 06/08/2018)   |
| 06/08/2018 | <u>20</u> | SUMMONS RETURNED EXECUTED (FOIA CASE). The United States Department of Agriculture served on 5/31/2018, answer due 7/2/2018. Service was accepted by United States Attorney's Office. Document filed by American Society for the Prevention of Cruelty to Animals. (Kennelly, Kaitland) (Entered: 06/08/2018)  |
| 06/25/2018 | <u>21</u> | MOTION for Tamara Y. Feliciano to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-15243400. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by American Society for the Prevention of Cruelty to Animals. (Attachments: # <u>1</u> Declaration of Tamara Y. Feliciano, # <u>2</u> Certificate of Good Standing, # <u>3</u> Text of Proposed Order)(Feliciano, Tamara) (Entered: 06/25/2018) |
| 06/25/2018 |           | <b>&gt;&gt;&gt;NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>21</u> MOTION for Tamara Y. Feliciano to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-15243400. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (wb)</b> (Entered: 06/25/2018)   |
| 06/25/2018 | <u>22</u> | MOTION for Robert G. Hensley to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-15243501. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by American Society for the Prevention of Cruelty to Animals. (Attachments: # <u>1</u> Declaration of Robert G. Hensley, # <u>2</u> Certificate of Good Standing, # <u>3</u> Text of Proposed Order)(Hensley, Robert) (Entered: 06/25/2018)       |
| 06/25/2018 |           | <b>&gt;&gt;&gt;NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>22</u> MOTION for Robert G. Hensley to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-15243501. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (wb)</b> (Entered: 06/25/2018)   |
| 06/26/2018 | <u>23</u> | ORDER FOR ADMISSION PRO HAC VICE granting <u>22</u> Motion for Robert G. Hensley to Appear Pro Hac Vice. (Signed by Judge George B. Daniels on 6/26/2018) (mro) (Entered: 06/26/2018)  |
| 06/26/2018 | <u>24</u> | ORDER FOR ADMISSION PRO HAC VICE granting <u>21</u> Motion for Tamara Y. Feliciano to Appear Pro Hac Vice. (Signed by Judge George B. Daniels on 6/26/2018) (mro) (Entered: 06/26/2018)  |
| 07/02/2018 | <u>25</u> | NOTICE OF APPEARANCE by Samuel Hilliard Dolinger on behalf of The Animal and Plant Health Inspection Service, The United States Department of Agriculture. (Dolinger, Samuel) (Entered: 07/02/2018)  |
| 07/02/2018 | <u>26</u> | ANSWER to <u>10</u> Complaint,,,. Document filed by The Animal and Plant Health Inspection Service, The United States Department of Agriculture.(Dolinger, Samuel) (Entered: 07/02/2018)   |
| 08/02/2018 | <u>27</u> | LETTER addressed to Judge George B. Daniels from Samuel Dolinger dated 8/2/2018 re: the Government's letter in advance of initial pre-trial conference on 8/9/2018. Document filed by The Animal and Plant Health Inspection Service, The United States Department of Agriculture.(Dolinger, Samuel) (Entered: 08/02/2018)   |
| 08/02/2018 | <u>28</u> | LETTER MOTION for Discovery – <i>In Advance of August 9, 2018 Initial Pre-Trial Conference Seeking Discovery</i> addressed to Judge George B. Daniels from Erin M. Estevez dated August 2, 2018. Document filed by American Society for the Prevention of Cruelty to Animals.(Estevez, Erin) (Entered: 08/02/2018)   |
| 08/02/2018 | <u>29</u> | AFFIRMATION of Robert G. Hensley in Support re: <u>28</u> LETTER MOTION for Discovery – <i>In Advance of August 9, 2018 Initial Pre-Trial Conference Seeking Discovery</i> addressed to Judge George B. Daniels from Erin M. Estevez dated August  |

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|            |           | 2, 2018.. Document filed by American Society for the Prevention of Cruelty to Animals. (Attachments: # <u>1</u> Exhibit (1) Documents Produced, # <u>2</u> Exhibit (2) Document Obtained, # <u>3</u> Exhibit (3) Documents Produced, # <u>4</u> Exhibit (4) Document Obtained, # <u>5</u> Exhibit (5) Document Produced /Obtained)(Estevez, Erin) (Entered: 08/02/2018)  |
| 08/09/2018 |           | Minute Entry for proceedings held before Judge George B. Daniels: Initial Pretrial Conference held on 8/9/2018. Plaintiff Counsel: Erin Murray Estevez, Robert G. Hensley, Jr.; Defense Counsel: Samuel Hilliard Dolinger and Court Reporter present. Th subsequent conference is scheduled for October 25, 2018 at 9:45 a.m. (Vega, Elizabeth) (Entered: 08/09/2018)  |
| 08/20/2018 | <u>30</u> | ORDER denying as moot <u>28</u> Letter Motion for Discovery: The Clerk of Court is directed to close the motion at ECF No. 28 as moot in light of the discussions held on the record of the August 9, 2018 conference. (Signed by Judge George B. Daniels on 8/16/2018) (jwh) (Entered: 08/20/2018)  |
| 09/14/2018 | <u>31</u> | TRANSCRIPT of Proceedings re: conference held on 8/9/2018 before Judge George B. Daniels. Court Reporter/Transcriber: Pamela Utter, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/5/2018. Redacted Transcript Deadline set for 10/15/2018. Release of Transcript Restriction set for 12/13/2018.(McGuirk, Kelly) (Entered: 09/14/2018) |
| 09/14/2018 | <u>32</u> | NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a conference proceeding held on 8/9/18 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 09/14/2018)                |
| 10/18/2018 | <u>33</u> | JOINT LETTER MOTION to Adjourn Conference <i>scheduled for October 25, 2018</i> addressed to Judge George B. Daniels from Samuel Dolinger dated 10/18/2018. Document filed by The Animal and Plant Health Inspection Service, The United States Department of Agriculture.(Dolinger, Samuel) (Entered: 10/18/2018)   |
| 10/19/2018 | <u>34</u> | ORDER granting <u>33</u> Letter Motion to Adjourn Conference. The Subsequent Conference is scheduled for November 29, 2018 at 9:45 a.m. SO ORDERED. (Status Conference set for 11/29/2018 at 09:45 AM before Judge George B. Daniels.) (Signed by Judge George B. Daniels on 10/19/2018) (jca) (Entered: 10/19/2018)   |
| 11/27/2018 | <u>35</u> | LETTER addressed to Judge George B. Daniels from Samuel Dolinger dated 11/27/2018 re: Government's request to set a summary judgment schedule. Document filed by The Animal and Plant Health Inspection Service, The United States Department of Agriculture. (Attachments: # <u>1</u> Exhibit A – Vaughn Index)(Dolinger, Samuel) (Entered: 11/27/2018)   |
| 11/27/2018 | <u>36</u> | LETTER addressed to Judge George B. Daniels from Erin M. Estevez dated 11/27/18 re: Letter in Advance of November 29, 2018 Conference. Document filed by American Society for the Prevention of Cruelty to Animals.(Kennelly, Kaitland) (Entered: 11/27/2018)  |
| 11/29/2018 | <u>37</u> | ORDER REFERRING CASE TO MAGISTRATE JUDGE: Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Settlement and General Pretrial (includes scheduling, discovery, non-dispositive pretrialmotions, and settlement) Referred to Magistrate Judge Debra C. Freeman. SO ORDERED. (Signed by Judge George B. Daniels on 11/29/2018) (jca) (Entered: 11/29/2018)  |
| 11/29/2018 |           | Minute Entry for proceedings held before Judge George B. Daniels: Interim Pretrial Conference held on 11/29/2018. Plaintiff Counsel: Erin Murray Estevez; Robert G. Hensley; Tamara Feliciano Defense Counsel: Samuel Hilliard Dolinger and Court Reporter present. The subsequent conference is scheduled for April 18, 2019 at 9:45 a.m. (Vega, Elizabeth) (Entered: 11/29/2018)   |

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| 12/13/2018 |           | Minute Entry for proceedings held before Magistrate Judge Debra C. Freeman: Case Management Conference held via telephone on 12/13/2018, ( Status Report due by 2/11/2019). (aba) (Entered: 12/13/2018)  |
| 12/27/2018 | <u>38</u> | STANDING ORDER M10-468: The United States Attorney's Office shall notify the Court immediately upon the restoration of Department of Justice funding. (As further set forth in this Order.) (Signed by Judge Colleen McMahon on 12/27/2018) (jca) (Entered: 01/02/2019)  |
| 01/04/2019 | <u>39</u> | TRANSCRIPT of Proceedings re: conference held on 11/29/2018 before Judge George B. Daniels. Court Reporter/Transcriber: Jerry Harrison, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/25/2019. Redacted Transcript Deadline set for 2/4/2019. Release of Transcript Restriction set for 4/4/2019.(McGuirk, Kelly) (Entered: 01/04/2019) |
| 01/04/2019 | <u>40</u> | NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a conference proceeding held on 11/29/18 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 01/04/2019)              |
| 01/08/2019 | <u>41</u> | TRANSCRIPT of Proceedings re: CONFERENCE held on 11/29/2018 before Judge George B. Daniels. Court Reporter/Transcriber: Jerry Harrison, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/29/2019. Redacted Transcript Deadline set for 2/8/2019. Release of Transcript Restriction set for 4/8/2019.(McGuirk, Kelly) (Entered: 01/08/2019) |
| 01/08/2019 | <u>42</u> | NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 11/29/18 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 01/08/2019)              |
| 02/11/2019 | <u>43</u> | LETTER addressed to Magistrate Judge Debra C. Freeman from Samuel Dolinger dated 2/11/2019 re: confirmation of tolling of deadlines pursuant to standing order. Document filed by The Animal and Plant Health Inspection Service, The United States Department of Agriculture.(Dolinger, Samuel) (Entered: 02/11/2019)   |